

improbable story, his lived experience, a son of immigrants coming up in New Jersey, being born in a way that he knows struggle and knows poverty. And the fact that he is on the Senate floor speaking about someone else who has an improbable story shows you the greatness of America.

I am grateful for my senior Senator and chairman of the Foreign Relations Committee for taking time to show us the importance of this moment. This is history here.

America has never before had an article III judge who also happens to be a Muslim. That has never before happened. Think about this: 200-plus years in American history, a country that was born and our Founders enshrined in our very founding documents, in the Bill of Rights, this ideal of freedom of religion. We celebrate religious plurality and religious diversity.

So this is an extraordinary moment. Now, I am thrilled that it is a bipartisan moment. In committee, during this time of heightened partisanship, in the Judiciary Committee, Judge Quraishi passed out 19 to 3—19 to 3—which is a further testimony not just to the gravity of this historic moment, not just to a man's religion, but to the man himself, the core of who he is. Senator MENENDEZ said this.

Many people, after 9/11, felt the deep, agonizing grief in this country. We are not defined as a nation by what happens to us. We are defined by how we choose to respond. From the attacks at Pearl Harbor to the attacks on 9/11, those horrific moments, you saw how this Nation showed who it is—our grit, our guts, our grace, our greatness.

That is the tradition of Judge Quraishi. A man that had a glide path toward a career of comfort and private sector success made a decision. Those horrific tragedies, he would not let them define our Nation. How we defined ourselves was by people like him.

He joined the Army. He became a U.S. Army judge advocate. He attained the rank of captain. He was deployed to Iraq—first in 2004 and then again in 2006. And after his service in the military, Judge Quraishi continued his service to the Nation, like so many of our veterans do—first as the assistant chief counsel in the U.S. Department of Homeland Security and then as a Federal prosecutor in the U.S. Attorney's Office for the District of New Jersey.

Do not define a person by what they say. Simply do not define them by their faith and do not define them by the color of their skin, but by the content of their character and in the actions that they take. In a time that our Nation was crippled with grief, he stood up and he served, and he has been serving every single step since. He is "well qualified." That is what the American Bar Association says.

But I tell you, he is well qualified on a higher standard than that. He is a patriot to this country. Patriotism is love of Nation, but love is not a being verb. It is a doing verb. It is action. His

actions have shown his love for America, and now he is up here in this Chamber to make history. I urge my colleagues, as we saw in the Judiciary Committee in a 19-to-3 vote, to vote in a bipartisan way.

This is a chance for the annals of time to show our commitment to great people, to a great man, to a person of character, to a person of commitment, to a person of conviction, to a person of patriotism who happens also to be Muslim and, for the first time in American history, to achieve something. It should have been achieved a long time ago.

I am going to conclude by saying something: Judge Quraishi and I are relatively of a similar age, and we share another painful life happening that I know many of my colleagues have shared as well. During COVID-19, during this pandemic, the judge's father died. I talked to him during this time, and he is a man that was clearly grieving but kept a lot of that emotion under his jacket, in his heart.

I just want to say for the record: Judge Quraishi, you and I are both people of faith. And I want to tell him right now and say into this record: It is your father who also loved this country, who brought about an American dream for his family. He is watching right now this happening, these deliberations on the Senate floor. He, I pray, will see his son make history. And, Judge Quraishi, I am telling you right now, Your father is proud of you. I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that notwithstanding rule XXII, it be in order to proceed to file cloture on Executive Calendar Nos. 119 and 107.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to Executive Calendar No. 119.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 119, Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017.

Charles E. Schumer, Patty Murray, Alex Padilla, Sheldon Whitehouse, Jeff Merkley, Jack Reed, Debbie Stabenow, Benjamin L. Cardin, Patrick J. Leahy, Elizabeth Warren, Jacky Rosen, Richard Blumenthal, Tina Smith, John Hickenlooper, Michael F. Bennet, Tim Kaine, Brian Schatz.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 107.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The bill clerk read the nomination of Kiran Arjandas Ahuja, of Massachusetts, to be Director of the Office of Personnel Management for a term of four years.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 107, Kiran Arjandas Ahuja, of Massachusetts, to be Director of the Office of Personnel Management for a term of four years.

Charles E. Schumer, Gary C. Peters, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard J. Durbin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Martin Heinrich, Chris Van Hollen, Christopher Murphy, Sheldon Whitehouse, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, June 10, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

CHILD NUTRITION

Mr. BOOZMAN. Mr. President, across the country, the school year is winding down, and students will be on summer

break. We know that when school is out, many students who receive free and reduced-price meals throughout the school year are not getting the nutrition that they need.

The pandemic required us to explore innovative options for getting food and nutrition, for getting that assistance to children in need, especially those who were in rural and hard-to-serve areas. That is why I, along with Senator LEAHY, have reintroduced the Hunger-Free Summer for Kids Act.

I am pleased that we have 12 bipartisan cosponsors and the support of national organizations like Feeding America, Share Our Strength, Tusk Philanthropies, Bread for the World, the Alliance to End Hunger, MAZON: A Jewish Response to Hunger, and Save the Children.

When I served as a school board member many years ago, I saw how important the national school meals program is to providing many children with healthy meals, helping them to learn and grow. I also saw that many kids were left without nutritious food during the summer months.

Seeing this reality is, in part, why I wanted to serve as cochair of the Senate Hunger Caucus. It is the reason why I care about these programs, ensuring we have a bipartisan child nutrition reauthorization process that can include this bill that Senator LEAHY and I are introducing.

Before the pandemic, we had data that showed the traditional Summer Food Service Program was not serving all of the kids who needed these meals. Only one in seven children receiving free or reduced-price meals during the school year were receiving meals from the current Summer Meals Program.

Big gaps exist, especially in rural areas. According to Feeding America, 86 percent of counties with children most at risk for food insecurity are rural counties.

The current program requires children to come to a feeding site and eat their meals with other children. This concept has its benefits, as it builds a sense of community, provides a safe place for kids to go, and then offers them a chance to participate in other physical and enrichment activities.

However, we know that getting kids to a feeding site can be a real challenge. Buses take students to school, but the buses don't run in the summer.

During the pandemic, Congress gave the U.S. Department of Agriculture the authority to waive the requirement that kids had to eat meals together at feeding sites. This flexibility has spurred innovation with public-private partnerships. For instance, in my home State of Arkansas, Faulkner County did a tremendous job packing meal boxes to be sent home to families. Volunteers have delivered meals through mobile delivery routes. Thanks to the Meals to You program that was coordinated by the Baylor Collaborative on Hunger and Poverty, more than 1.1 million meals were delivered directly to

the doorstep of almost 9,000 children living in rural Arkansas.

According to Share Our Strength, there was a 160-percent increase in the number of meals served by allowing offsite consumption of meals.

Another way to ensure kids are receiving access to food is through the Summer Electronic Benefits Transfer Program. Each child receives a set amount of money that is loaded onto an EBT card. Families then can shop for food to make sure their kids get the nutrition they need. This program has been tested for a number of years by the USDA. The results have shown that providing a \$30 monthly benefit for a child was effective in reducing the most severe category of food insecurity during the summer and can lead to positive changes in children's nutritional outcomes through the consumption of healthier foods.

This bill expands how we ensure children receive healthy meals throughout the summer.

The pandemic has certainly shown the importance and the success of this program when offsite consumption and EBT are options States can utilize to feed children.

I want to commend the volunteers and staff on the frontlines who are there each and every day ensuring that children receive the nutrition they need. They work tirelessly, being true heroes to so many families during the pandemic. I thank them for their hard work, their innovation, and their dedication.

I look forward to working with my colleagues in the weeks and months ahead to see this bill become part of a permanent, bipartisan child nutrition reauthorization law. It is important that members of the Ag Committee work together in a bipartisan manner, through regular order, agreeing on the policy and the offsets that will be required to provide schools, States, and families greater certainty into the future. I am committed to a bipartisan path forward, and this bill is just the beginning.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 247

Mr. LEE. Mr. President, women make invaluable contributions to our families, communities, and workplaces. Thankfully, the opportunities for women in the workplace have grown tremendously over time and in recent decades, and there is no doubt that, without exception or qualification, they should always be treated equally and receive equal pay for the same work as their male counterparts.

This week, the Senate considered proceeding to a bill called the Paycheck Fairness Act—one that was directed at achieving this goal by addressing the gender pay gap. But if we truly care about supporting and empowering women in the workplace, it is important that we understand exactly what the pay gap is and what exactly it can tell us about women's experiences.

So what is the pay gap? Well, first, there is a crucial distinction that we have to make between the unadjusted pay gap and the adjusted pay gap.

When most people refer to the gender pay gap, they mean the unadjusted pay gap, or the comparison between the median man's pay and the median woman's pay, based only on sex. According to this measure, the median earnings of women are 18 percent lower than men. But the unadjusted pay gap leaves out key pieces of the puzzle. In reality, there are many other factors that influence pay for individual men and women, such as industry, occupation, experience, education, performance, and in particular, family decisions.

The adjusted pay gap does take these factors into account and turns out to be a much smaller number—a very different number—than the unadjusted pay gap. When controlling for these factors, and thus comparing men and women with the same jobs and qualifications, the pay gap falls to just 2 percent, which can arguably be explained by nondiscriminatory factors like performance that other studies have not yet addressed.

The pay gap before and after parenthood tells us something else that is key too. This measure suggests that women are paid less not simply because they are women but because of the family decisions they make typically after having children. Women are far more likely to take on more of the caretaker responsibilities within their families and thus make work-related tradeoffs that allow them to do so.

One study in Denmark found that average women's earnings are comparable to men's earnings before parenthood but drop after the birth of their first child, when hours worked and participation rates tend to fall for women.

Another study by the Harvard Business Review found that women are more likely to make decisions to limit work-related travel, choose a more flexible job, slow down career pace, make a lateral move, or leave a job in order to accommodate family responsibilities.

Ultimately, the pay gap seems to show in large part the particular choices and preferences of women in their career and family paths.

So in light of this information, what would the Paycheck Fairness Act do? This bill would allow employees to sue businesses that pay workers different wages even if the differences have nothing to do with the sex of the employee at issue. As a result, businesses would be forced to ignore the rest of the factors that influence pay, including merit, which is and should be the main determinant of earnings. It would instead enforce rigid, collective pay scales that would reduce flexibility in benefits or hours—the very thing that employees want in the workplace.

If this legislation were to become law, instead of receiving higher pay, women would likely find it harder to

get their foot in the door. Employers could be more reticent to hire women in some circumstances, especially those reentering the workforce, since they automatically would be included in future gender- or race-based class action lawsuits, and it would raise costs for businesses and hurt wages across the board.

In short, it is a federally mandated, one-size-fits-all approach to pay that would only take away choice, opportunity, and flexibility for women—the very things that Congress ought to ensure are allowed. Indeed, surveys show that workplace flexibility is incredibly valuable to women. One survey estimates that 60 percent of female job-seekers say that greater work-life balance and personal well-being are very important to them when considering a job, and 46 percent of female employees say flextime is the most important benefit a company can offer employees. Further research shows that productivity can be improved by as much as 50 percent when flexible options are available to workers.

If we are to empower women and make it easier for them to increase their earnings, we should not be getting in the way of flexible options that can help.

Thankfully, the rejection of the Paycheck Fairness Act this week proved that it is not the right approach. There is, indeed, a better path forward. The bill I am proposing, the Working Families Flexibility Act, would help provide it.

For decades, Federal labor laws have unfairly restricted private sector employees from choosing either traditional overtime pay or paid time off as compensation for overtime hours worked, while granting a special exemption for government employees. This legal disparity between private sector employees and public sector employees unfairly discriminates against working men and women in the private sector, and it is long overdue that it be addressed. There is no reason that these working moms and dads in the private sector should be prevented from receiving the flexibility that employees in the government are able to receive.

My bill would simply amend the Fair Labor Standards Act to allow private sector employers to give their employees the option to choose either traditional overtime pay or paid time off, both accrued at 1.5 times the overtime hours worked. It is a totally voluntary proposal for both employers and employees. Employers are not forced to offer it, and employees are not forced to take it.

In addition to offering safeguards to ensure that the choice to use comp time is voluntary, it retains all existing labor law protections for employees, including the 40-hour workweek and overtime accrual protections.

If we truly seek to empower women in the workplace, we ought to give them the freedom and flexibility to

pursue their careers and the families they desire. The Working Families Flexibility Act would do just that, and I urge my colleagues to support it.

This is something that we ought to adopt right now. This is something that Federal law already allows for, for government employees, and we ought to end the discrimination against private sector employees.

For that reason, Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 247 and that the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, let me just say that over the last year, we have heard constantly that you should “stay home when you are sick.” It is good advice, of course, and the right thing to do for public health, and I certainly encourage people to do it. But what I thought about every single time was, what about the workers who can’t just stay home? There are a lot of them.

Right now, 32 million American workers do not have access to a single paid sick day. Let me repeat that. Thirty-two million people in the United States will lose pay if they stay home because they are sick or because they have to care for a sick loved one. Only 20 percent of private sector workers in the United States have paid family leave through their employer, meaning millions of workers will lose pay if they give birth or have a sick child, for just a few examples.

What I hear from workers in these situations is that they need to know they have the ability to take time off without worrying about losing their paycheck and without worrying about whether their boss will allow them.

That is why I am on the floor today to object in the strongest terms to the misleadingly titled bill the Senator from Utah just proposed. His bill would allow employers to offer workers’ comp time instead of time-and-a-half pay when workers put in overtime.

Here is why this won’t work when it comes to taking paid leave. Under this bill, the so-called Working Families Flexibility Act, workers would have no guaranteed right to use the comp time they have earned even when there is an emergency. And it actually gets worse from there. Under this bill, if a worker’s claim is denied, their only option to fight back is to request that their comp time be cashed out, and the employer has a whole month to comply. As of March 2021, more than half of Americans said they were living paycheck to paycheck. A month is not going to work for them.

Anyone who is serious about making sure workers can support themselves and care for themselves and their families should reject this bill and work with my colleagues and me to pass Senator GILLIBRAND’s FAMILY Act and the Healthy Families Act Congresswoman DELAURO and I introduced. Our legislation would actually truly give workers flexibility and the weight off their shoulders as they navigate the kinds of tough times we all encounter in our lives.

Look, when this pandemic struck, we saw how costly not having paid leave has been for our workers, for our families, for our businesses, and for our country. Millions of workers were forced to choose between the well-being of themselves and their coworkers and their families or their paycheck. Millions were infected, and millions more—especially women and workers of color—were forced out of their jobs in large part due to lacking paid leave or quality, affordable childcare options.

This pandemic has really made it more clear than ever: It is far past time we made paid leave a right for all, not just a privilege for some.

Now is not the time for more false choices and stress for our workers. It is a time to get real solutions over the finish line, so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, it is unfortunate that the Senate won’t choose to make available to private sector workers options that are already available to government employees.

Just to reiterate here, under this legislation, employers are not required to offer it; employees are not required to take it. This just eliminates the vestigial remains of labor laws passed decades ago that denied workers and employers this option. They keep that open for government workers. That is discriminatory. It is unfair, and it ought to end.

VOTE ON QURAISHI NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Quraishi nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. SMITH), is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 81, nays 16, as follows: